



Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

PART III

LOTTERIES AND PRIZE COMPETITIONS

45 Exemption of certain small lotteries conducted for charitable, sporting or other purposes

- (1) This section applies to any lottery which, not being a lottery declared by any other section of this Act not to be unlawful, is promoted in Great Britain on behalf of a society registered for the purposes of this section under Part I of Schedule 7 to this Act, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—
- (a) charitable purposes;
 - (b) participation in or support of athletic sports or games or cultural activities;
 - (c) purposes which, not being described in paragraph (a) or (b) of this subsection, are neither purposes of private gain nor purposes of any commercial undertaking,
- and is so promoted for raising money to be applied for purposes of the society.
- (2) In construing subsection (1) (c) of this section, any purpose for which any society is established and conducted which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual; and for the purposes of this section, the expression "society" includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.
- (3) A lottery to which this section applies shall not be unlawful but the following conditions shall be observed in connection with its promotion and conduct, that is to say—
- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter;

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- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by the promoter in connection with the lottery who carries on a betting business or is otherwise engaged by way of business in the organisation of betting;
 - (c) no prize shall exceed one hundred pounds in amount or value, and no ticket or chance shall be sold at a price exceeding one shilling;
 - (d) the whole proceeds after deducting sums lawfully appropriated on account of expenses or for the provision of prizes shall be applied to purposes of the society such as are described in subsection (1) (a), (b) or (c) of this section;
 - (e) the amount of the proceeds appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred, or
 - (ii) ten per cent. of the whole proceeds,
 whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one half of the whole proceeds ;
 - (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
 - (g) the total value of the tickets or chances sold shall not exceed seven hundred and fifty pounds ; and if, on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed seven hundred and fifty pounds; and for the purposes of this paragraph tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which those tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day;
 - (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except—
 - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society; and
 - (ii) such notice or advertisement as may be contained in the tickets, if any;
 - (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize winners are ascertained will take place;
 - (j) no ticket shall be sent through the post to a person who is not a member of the society;
 - (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;
 - (l) no payment on account of expenses or prizes shall be made out of moneys of the society other than proceeds of the lottery; and
 - (m) no ticket or chance shall be sold by or to a person under sixteen years of age.
- (4) Any amount payable by way of the pool betting duty in respect of a lottery to which this section applies shall be included in the sums which may be deducted from the proceeds of the lottery under subsection (3)(d) of this section before those proceeds

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are applied as therein mentioned, but no reference in any other provision of this section to expenses shall be construed as including a reference to that amount.

- (5) If any condition required by subsection (3) of this section to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence:

Provided that—

- (a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it;
 - (b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or (l) of the said subsection (3) to prove—
 - (i) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (ii) that the appropriation or payment was made in respect of expenses actually incurred, or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; and
 - (iii) that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully be appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.
- (6) Part II of Schedule 7 to this Act shall have effect with respect to the returns to be made by the promoter of a lottery to which this section applies.